

113TH CONGRESS
1ST SESSION

S. 1352

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2013

Ms. CANTWELL (for herself, Mr. BARRASSO, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. UDALL of New Mexico, Mr. FRANKEN, Mr. BEGICH, Ms. HEITKAMP, Ms. HIRONO, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-
4 ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Native American Housing Assistance and Self-Deter-
7 mination Reauthorization Act of 2013”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Treatment of program income and labor standards.

Sec. 102. Environmental review.

Sec. 103. Authorization of appropriations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. Low-income requirement and income targeting.

Sec. 202. Lease requirements and tenant selection.

Sec. 203. Self-determined housing activities for tribal communities.

Sec. 204. Total development cost maximum project cost.

TITLE III—COMPLIANCE, AUDITS, AND REPORTS

Sec. 301. Reports to Congress.

TITLE IV—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 401. Demonstration of rental assistance for homeless or at-risk Indian veterans.

Sec. 402. 50-year leasehold interest in trust or restricted lands for housing purposes.

Sec. 403. Training and technical assistance.

Sec. 404. Preferences for projects in Indian areas.

TITLE V—MISCELLANEOUS

Sec. 501. Community-based organizations and tribally designated housing entities.

Sec. 502. Elimination of limitation on use for Cherokee Nation.

Sec. 503. Reauthorization of Native Hawaiian Homeownership Act.

Sec. 504. Matching or cost-participation requirement.

1 (c) REFERENCES.—Except as otherwise expressly
2 provided, wherever in this Act an amendment or repeal
3 is expressed in terms of an amendment to, or repeal of,
4 a section or other provision, the reference shall be consid-
5 ered to be made to a section or other provision of the Na-
6 tive American Housing Assistance and Self-Determination
7 Act of 1996 (25 U.S.C. 4101 et seq.).

1 **TITLE I—BLOCK GRANTS AND**
2 **GRANT REQUIREMENTS**

3 **SEC. 101. TREATMENT OF PROGRAM INCOME AND LABOR**

4 **STANDARDS.**

5 Section 104 (25 U.S.C. 4114) is amended—

6 (1) in subsection (a), by striking paragraph (1)
7 and inserting the following:

8 “(1) AUTHORITY TO RETAIN.—

9 “(A) IN GENERAL.—Notwithstanding any
10 other provision of this Act, a recipient may re-
11 tain any program income that is realized from
12 any grant amounts under this Act if—

13 “(i) the income was realized after the
14 initial disbursement of the grant amounts
15 received by the recipient; and

16 “(ii) the recipient has agreed that the
17 recipient will utilize the income for housing
18 related activities in accordance with this
19 Act.

20 “(B) REQUIREMENTS.—Any income that is
21 realized by a recipient from program income
22 shall—

23 “(i) be considered nonprogram in-
24 come; and

1 “(ii) have no restrictions on use.”;

2 and

3 (2) in subsection (b), by striking paragraph (3)

4 and inserting the following:

5 “(3) APPLICATION OF TRIBAL LAWS.—

6 “(A) IN GENERAL.—Paragraph (1) shall
7 not apply to any contract or agreement for as-
8 sistance, sale, or lease pursuant to this Act, if
9 that contract or agreement is otherwise covered
10 by 1 or more laws or regulations adopted by an
11 Indian tribe that requires the payment of not
12 less than prevailing wages, as determined by
13 the Indian tribe.

14 “(B) WAGES.—The prevailing wages de-
15 scribed in subparagraph (A) shall apply to the
16 administration of all Federal funding for
17 projects funded in part by funds authorized
18 under this Act.”.

19 **SEC. 102. ENVIRONMENTAL REVIEW.**

20 Section 105 (25 U.S.C. 4115) is amended by striking

21 subsection (d) and inserting the following:

22 “(d) ENVIRONMENTAL COMPLIANCE.—Notwith-
23 standing any other provision of law or use of any other
24 source of funding for the project, compliance with the en-
25 vironmental review requirements of this section shall sat-

1 isfy any other applicable environmental review require-
2 ment under any other Federal law (including regulations)
3 required to be carried out by any agency involved in the
4 project.”.

5 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 108 (25 U.S.C. 4117) is amended by striking
7 “2009 through 2013” and inserting “2013 through
8 2018”.

9 **TITLE II—AFFORDABLE
10 HOUSING ACTIVITIES**

11 **SEC. 201. LOW-INCOME REQUIREMENT AND INCOME TAR-
12 GETING.**

13 Section 205 (25 U.S.C. 4135) is amended by striking
14 subsection (c) and inserting the following:

15 “(c) APPLICABILITY.—

16 “(1) IN GENERAL.—The provisions of sub-
17 section (a)(2) regarding binding commitments for
18 the remaining useful life of property shall not apply
19 to—

20 “(A) a family or household member who
21 subsequently takes ownership of a homeowner-
22 ship unit; or

23 “(B) any improvement to a privately
24 owned homeownership unit if the aggregate
25 value of the improvement for the 5-year period

following completion of the improvement is less than \$10,000.

3 “(d) PURCHASE.—In the case of rental housing that
4 is made available to a current rental tenant for conversion
5 to a homebuyer or lease-purchase unit, the current rental
6 tenant may purchase through a contract to purchase,
7 lease-purchase agreement, or any other sales agreement
8 if the unit is made available for occupancy by a family
9 that is a low-income family at the time of initial occu-
10 pancy.”.

11 SEC. 202. LEASE REQUIREMENTS AND TENANT SELECTION.

12 Section 207 (25 U.S.C. 4137) is amended by adding
13 at the end the following:

14 “(c) NOTICE OF TERMINATION.—The notice period
15 described in subsection (a)(3) shall apply to projects and
16 programs funded in part by amounts authorized under
17 this Act.”.

18 SEC. 203. SELF-DETERMINED HOUSING ACTIVITIES FOR
19 TRIBAL COMMUNITIES.

20 Subtitle B of title II (25 U.S.C. 4145 et seq.) is re-
21 pealed.

22 SEC. 204. TOTAL DEVELOPMENT COST MAXIMUM PROJECT
23 COST.

24 Affordable housing (as defined in section 4 of the Na-
25 tive American Housing Assistance and Self-Determination

1 Act of 1996 (25 U.S.C. 4103)) that is developed, acquired,
2 or assisted under the block grant program established
3 under section 101 of the Native American Housing Assist-
4 ance and Self-Determination Act of 1996 (25 U.S.C.
5 4111) shall not exceed by more than 20 percent, without
6 prior approval of the Secretary of Housing and Urban De-
7 velopment, the total development cost maximum cost for
8 all housing assisted under an affordable housing activity,
9 including development and model activities.

10 **TITLE III—COMPLIANCE,**
11 **AUDITS, AND REPORTS**

12 **SEC. 301. REPORTS TO CONGRESS.**

13 Section 407 (25 U.S.C. 4167) is amended—
14 (1) in subsection (a), by striking “Congress”
15 and inserting “Committee on Indian Affairs and the
16 Committee on Banking, Housing and Urban Affairs
17 of the Senate and the Committee on Financial Serv-
18 ices of the House of Representatives”; and
19 (2) by adding at the end the following:
20 “(c) PUBLIC AVAILABILITY.—The report described in
21 subsection (a) shall be made publicly available, including
22 to recipients.”.

1 **TITLE IV—OTHER HOUSING AS-**
2 **SISTANCE FOR NATIVE AMER-**
3 **ICANS**

4 **SEC. 401. DEMONSTRATION OF RENTAL ASSISTANCE FOR**
5 **HOMELESS OR AT-RISK INDIAN VETERANS.**

6 Section 8(o)(19) of the United States Housing Act
7 of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding
8 at the end the following:

9 “(D) INDIAN VETERANS HOUSING RENTAL
10 ASSISTANCE DEMONSTRATION PROGRAM.—

11 “(i) DEFINITIONS.—In this subparagraph:

13 “(I) INDIAN.—The term ‘Indian’
14 has the meaning given the term in
15 section 4 of the Indian Self-Deter-
16 mination and Education Assistance
17 Act (25 U.S.C. 450b).

18 “(II) INDIAN LANDS.—The term
19 ‘Indian lands’ has the meaning given
20 the term in section 3 of the Native
21 American Business Development,
22 Trade Promotion, and Tourism Act of
23 2000 (25 U.S.C. 4302).

24 “(III) TRIBAL ORGANIZATION.—
25 The term ‘tribal organization’ has the

1 meaning given the term in section 4
2 of the Indian Self-Determination and
3 Education Assistance Act (25 U.S.C.
4 450b).

5 “(ii) AUTHORIZATION OF PROGRAM.—
6 The Secretary may use not more than 5
7 percent of the amounts made available for
8 rental assistance under this subsection to
9 carry out a rental assistance and sup-
10 portive housing program, in conjunction
11 with the Secretary of Veterans Affairs, for
12 the benefit of Indian veterans who are
13 homeless or at-risk of homelessness and
14 who are residing on or near Indian lands.

15 “(iii) MODEL.—The program de-
16 scribed in clause (ii) shall be modeled on
17 the rental assistance and supportive hous-
18 ing program authorized under this section
19 and applicable appropriations Acts, includ-
20 ing administration in conjunction with the
21 Secretary of Veterans Affairs, except that
22 the Secretary may make necessary and ap-
23 propriate modifications to facilitate the use
24 of the program by Indian grant recipients
25 to serve eligible Indian veterans.

1 “(iv) ELIGIBLE RECIPIENTS.—Rental
2 assistance under clause (ii) shall be made
3 available to recipients eligible to receive
4 grants under section 101 of the Native
5 American Housing Assistance and Self-Deter-
6 mination Act of 1996 (25 U.S.C. 4111).

7 “(v) FUNDING CRITERIA.—Rental as-
8 sistance under clause (ii) shall be awarded
9 based on—

10 “(I) need;
11 “(II) administrative capacity; and
12 “(III) any other funding criteria
13 established by the Secretary in a no-
14 tice published in the Federal Register
15 after consulting with the Secretary of
16 Veterans Affairs.

17 “(vi) ADMINISTRATION.—Rental as-
18 sistance made available under clause (ii)
19 shall be administered in accordance with
20 the Native American Housing Assistance
21 and Self-Determination Act of 1996 (25
22 U.S.C. 4101 et seq.), except that grantees
23 shall—

24 “(I) submit to the Secretary, in a
25 manner prescribed by the Secretary,

1 reports on the use of rental assistance
2 provided under the demonstration pro-
3 gram; and

4 “(II) provide to the Secretary in-
5 formation specified by the Secretary
6 to assess the effectiveness of the dem-
7 onstration program in serving eligible
8 veterans.

9 “(vii) CONSULTATION.—The Sec-
10 retary, in coordination with the Secretary
11 of Veterans Affairs, shall consult with re-
12 cipients of grants under section 101 of the
13 Native American Housing Assistance and
14 Self-Determination Act of 1996 (25 U.S.C.
15 4111) and any other appropriate tribal or-
16 ganization on the design of the demonstra-
17 tion program to ensure the effective deliv-
18 ery of rental assistance and supportive
19 services to persons eligible to receive as-
20 sistance under this subparagraph.

21 “(viii) WAIVER.—

22 “(I) IN GENERAL.—Except as
23 provided in subclause (II), the Sec-
24 retary may waive or specify alter-
25 native requirements for any provision

of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under this subparagraph if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance made available under this subparagraph to Indian veterans.

“(II) EXCEPTION.—The Secretary shall not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.”.

19 Section 702(c)(1) (25 U.S.C. 4211(c)(1)) is amended
20 by inserting “(in effect before, on, or after the date of
21 enactment of this section)” after “law”.

22 SEC. 403. TRAINING AND TECHNICAL ASSISTANCE.

23 Section 703 (25 U.S.C. 4212) is amended by striking
24 “of fiscal years 2009 through 2013” and inserting “fiscal

1 year for which funds are appropriated under section
2 108.”.

3 **SEC. 404. PREFERENCES FOR PROJECTS IN INDIAN AREAS.**

4 (a) IN GENERAL.—Section 42(m)(1) of the Internal
5 Revenue Code of 1986 is amended—

6 (1) in subparagraph (B)(ii)—

7 (A) in subclause (II), by striking “and”;
8 and

9 (B) by adding at the end the following:

10 “(IV) projects which are located
11 in an Indian area (as defined in sec-
12 tion 4(11) of the Native American
13 Housing Assistance and Self-Deter-
14 mination Act of 1996 (25 U.S.C.
15 4103(11))) and for which the entity
16 applying to receive credit is—

17 “(aa) an Indian tribe or a
18 tribally designated housing entity
19 (as defined in section 4 of the
20 Native American Housing Assist-
21 ance and Self-Determination Act
22 of 1996 (25 U.S.C. 4103)),

23 “(bb) wholly owned or con-
24 trolled by an Indian tribe or trib-
25 ally designated housing entity (as

defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)), or

“(cc) a subrecipient of funding under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) with regard to the project for which credits would be awarded, and”;

(2) in subparagraph (C)—

(A) in clause (vi), by inserting “and Indian” after “public”;

(B) by redesignating clauses (ix) and (x) as clauses (x) and (xi), respectively; and

(C) by inserting after clause (viii) the following:

“(ix) projects described in subparagraph (B)(ii)(IV); and

(3) by adding at the end the following:

“(E) PREFERENCE FOR PROJECTS IN INDIAN AREAS.—In addition to the preference provided to projects described in subparagraph (B)(ii)(IV), for purposes of evaluating such

1 projects pursuant to a competitive application
2 process for allocation of housing credit dollar
3 amounts, a housing credit agency—

4 “(i) for purposes of any numerical
5 evaluation process employed by the agency,
6 shall increase the cumulative points or
7 score for such project by not less than 10
8 percent of the total points or credits avail-
9 able to any project, and

10 “(ii) shall not consider the lack of
11 proximity of such project to population
12 centers, public transportation systems, or
13 publicly available amenities.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to housing credit dollar amounts
16 allocated by a housing credit agency after December 31,
17 2013.

18 **TITLE V—MISCELLANEOUS**

19 **SEC. 501. COMMUNITY-BASED ORGANIZATIONS AND TRIB-
20 ALLY DESIGNATED HOUSING ENTITIES.**

21 Title VII (Public Law 104–330; 110 Stat. 4048) is
22 amended by adding at the end the following:

1 **“SEC. 706. COMMUNITY-BASED DEVELOPMENT ORGANIZA-**
2 **TION.**

3 “A tribally designated housing entity shall qualify as
4 a community-based development organization for purposes
5 of the Indian Community Development Block Grant pro-
6 gram authorized under section 106(a) of the Housing and
7 Community Development Act of 1974 (42 U.S.C.
8 5306(a)).”.

9 **SEC. 502. ELIMINATION OF LIMITATION ON USE FOR CHER-**
10 **OKEE NATION.**

11 Section 801 of the Native American Housing Assist-
12 ance and Self-Determination Reauthorization Act of 2008
13 (Public Law 110–411; 122 Stat. 4334) is repealed.

14 **SEC. 503. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
15 **OWNERSHIP ACT.**

16 Section 824 (25 U.S.C. 4243) is amended by striking
17 “2001, 2002, 2003, 2004, and 2005,” and inserting
18 “2014, 2015, 2016, 2017, and 2018”.

19 **SEC. 504. MATCHING OR COST-PARTICIPATION REQUIRE-**
20 **MENT.**

21 All funds provided under a grant made pursuant to
22 this Act or the amendments made by this Act may be used
23 for purposes of meeting matching or cost participation re-
24 quirements under any other Federal or non-Federal pro-
25 gram.

